

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

In re:  MOTOR LIQUIDATION COMPANY, <i>et al.</i> ,  Debtors.	Chapter 11  Case No. 09-50026 (MG)  (Jointly Administered)
MOTOR LIQUIDATION COMPANY AVOIDANCE ACTION TRUST, by and through the Wilmington Trust Company, solely in its capacity as Trust Administrator and Trustee,  Plaintiff,  vs.  JP MORGAN CHASE BANK, N.A., <i>et al.</i>  Defendants.	Adversary Proceeding  Case No. 09-00504 (MG)

**FOURTH STIPULATION EXTENDING THE  
DEADLINE FOR THE UNDERSIGNED DEFENDANTS TO FILE  
CROSS-CLAIMS BETWEEN AND AMONG THEMSELVES**

**WHEREAS**, the August 17, 2015 Order Regarding Discovery and Scheduling [Dkt. No. 153] (the “Original Scheduling Order”) in the above-captioned adversary proceeding (the “Adversary Proceeding”) provided that the deadline for defendants to file cross-claims, if any, was November 16, 2015;

**WHEREAS**, the Original Scheduling Order also provided that: “With regard to the deadline for Defendants to file cross-claims (if any), any Defendant or Defendants may stipulate with any other Defendant or Defendants to extend that deadline to the extent applicable to them without the need for a court order” (Original Scheduling Order, ¶ 2);

**WHEREAS**, on November 3, 2015, the Court entered the Stipulation and Order Regarding Extension of the Deadline for the Undersigned Defendants to File Cross-Claims Between and Among Themselves [Dkt. No. 188] (the “First Cross-Claim Extension Stipulation”) approving an extension of the deadline for the Stipulating Defendants<sup>1</sup>, as between and among themselves, to November 16, 2016 on the terms set forth therein;

**WHEREAS**, the First Cross-Claim Extension Stipulation provides that: “The Stipulating Defendants, or any subset thereof, may stipulate between and among themselves to further extensions of the cross-claim deadline between and among themselves on the same terms set out herein without the need for a court order” (First Cross-Claim Extension Stipulation, ¶ 4);

**WHEREAS**, on November 3, 2016, the Extended Stipulating Defendants (as defined in the Second Cross-Claim Extension Stipulation) filed the Second Stipulation Extending Deadline for the Undersigned Defendants to File Cross-Claims Between and Among Themselves [D.I. 771] (the “Second Cross-Claim Extension Stipulation”) further extending the deadline for the Extended Stipulating Defendants, as between and among themselves, to July 31, 2017 on the terms set forth therein;

**WHEREAS**, the Second Cross-Claim Extension Stipulation similarly provides that: “The Extended Stipulating Defendants, or any subset thereof, may stipulate between and among themselves to further extensions of the cross-claim deadline between and among themselves on the same terms set out herein without the need for a court order” (Second Cross-Claim Extension Stipulation, ¶ 3);

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<sup>1</sup> Capitalized terms not defined herein shall have the meanings ascribed to them in the First Cross-Claim Extension Stipulation.

**WHEREAS**, on July 21, 2017, the Third Extended Stipulating Defendants (as defined in the Third Cross-Claim Extension Stipulation) filed the Third Stipulation Extending Deadline for the Undersigned Defendants to File Cross-Claims Between and Among Themselves [D.I. 1009] (the “Third Cross-Claim Extension Stipulation”) further extending the deadline for the Third Extended Stipulating Defendants, as between and among themselves, to December 31, 2017 on the terms set forth therein;

**WHEREAS**, the Third Cross-Claim Extension Stipulation similarly provides that: “The Third Extended Stipulating Defendants, or any subset thereof, may stipulate between and among themselves to further extensions of the cross-claim deadline between and among themselves on the same terms set out herein without the need for a court order” (Third Cross-Claim Extension Stipulation, ¶ 3);

**WHEREAS**, defendant JP Morgan Chase Bank, N.A. (“JPMCB”) and the undersigned Stipulating Defendants (collectively, the “Fourth Extended Stipulating Defendants”) have conferred regarding a further extension of the deadline for filing cross-claims as between and among themselves, and agree to a further extension as set forth herein.

**IT IS HEREBY STIPULATED as follows:**

1. **Extension of the cross-claim deadline:** The deadline for the Fourth Extended Stipulating Defendants to file cross-claims, as between and among themselves, is further extended to and including April 2, 2018.

**2. Preservation of “relation back” and statute of limitation arguments:**

For purposes of any “relation back” doctrine, including but not limited to the provisions of CPLR 203(d) and case law related thereto, statute of limitations, or any other legal, equitable or other defense relating to the passage of time that may be applicable, any cross-claim that is filed by any Fourth Extended Stipulating Defendant against any other Fourth Extended Stipulating Defendant prior to the deadline set forth in paragraph 1 in the Adversary Proceeding will be treated as if such cross-claim were filed in the Adversary Proceeding on November 16, 2015. If the first responsive pleading in the Adversary Proceeding was filed or is due before the further extended deadline for the filing of cross-claims, each Fourth Extended Stipulating Defendant waives any claim, defense or argument that such cross-claim was not asserted in the first responsive pleading. For the avoidance of doubt, each Fourth Extended Stipulating Defendant, including JPMCB, reserves any and all rights and arguments it had as of November 16, 2015 to assert that any cross-claim does or does not “relate back” to the filing of the complaint in the Adversary Proceeding and is or is not barred by the statute of limitation or any other legal, equitable, or other defense relating to the passage of time.

**3. Further extensions of the cross-claim deadline:** The Fourth

Extended Stipulating Defendants, or any subset thereof, may stipulate between and among themselves to further extensions of the cross-claim deadline between and among themselves on the same terms set out herein without the need for a court order.

**4. Preservation of the Existing Stipulations and Orders:** Except as

specifically modified herein, the terms of the Original Scheduling Order, First Cross-Claim

Extension Stipulation, Second Cross-Claim Extension Stipulation and Third Cross-Claim Extension Stipulation, as may have been subsequently modified or amended, shall remain in full force and effect.

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**STIPULATED AND AGREED:**

Dated: December 22, 2017

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**Appendix A**

Arch Reinsurance Ltd.
Bill & Melinda Gates Foundation Trust
Board of Fire and Police Pension Commissioners of the City of Los Angeles
Board of Pensions of the Presbyterian Church (U.S.A.)
Building Trades United Pension Trust Fund
Carpenters Pension Fund of Illinois
City of Milwaukee Employees' Retirement System
Coca-Cola Company Retirement & Master Trust
Columbus Unconstrained Bond Fund (formerly Reams Unconstrained Bond Fund)
Connecticut General Life Insurance Company In Respect of Its Separate Account 4828CP
Cummins Inc. and Affiliates Collective Investment Trust
Dallas Employee Retirement Fund
Debello Investors LLC
Eighth District Electrical Pension Fund
Emerson Electric Co. Retirement Master Trust
Employees' Retirement System of Baltimore County
GoldenTree Loan Opportunities III, Ltd.
GoldenTree Loan Opportunities IV, Ltd.
Halliburton Company Employee Benefit Master Trust
Health Care Foundation of Greater Kansas City
ILWU/PMA Pension Plan Trust
Indiana Public Retirement System
Indiana State Police Pension Trust
Indiana University
Inter-Local Pension Fund of the Graphic Communications Conference of the International Brotherhood of Teamsters
Kraft Heinz Foods Company <sup>1</sup> & Kraft Foods Master Retirement Trust
Kynikos Opportunity Fund II, L.P.
Kynikos Opportunity Fund International Limited
Kynikos Opportunity Fund, L.P.
Master Trust for Certain Tax Qualified Bechtel Retirement Plans <sup>2</sup>
Master Trust Pursuant to the Retirement Plans of APL Limited & Subsidiaries
Mather Foundation
Montana Board of Investments
Municipal Employees' Retirement System of Michigan
New Orleans Carpenters Pension Plan <i>f/k/a Louisiana Carpenters Regional Council Pension Plan</i>
Purdue University
Prudential Retirement Insurance & Annuity Company, on behalf of Separate Account SA-

<sup>1</sup> Based upon their records, neither Kraft Heinz Food Company nor Kraft Foods Global, Inc. received any of the transfers referenced in the Amended Complaint and thus reserve all of their rights with respect thereto.

<sup>2</sup> In 2009, the Master Trust held the assets of the Bechtel Trust & Thrift Plan and the Becon Trust & Thrift Plan.

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Retirement Board of the Park Employees' and Retirement Board Employees' Annuity and Benefit Fund of Chicago
Santa Barbara County Employees' Retirement System
Scout Core Plus Bond Fund (formerly Frontegra Columbus Core Plus Bond Fund)
Seattle City Employees' Retirement System
Shinnecock CLO II, Ltd.
Sonoma County Employees' Retirement Association
State of Indiana Major Moves Construction Fund
St. Luke's Health System Corporation, as successor to St. Luke's Episcopal Health System Foundation
Taxable Fixed Income Managers: Portfolio 1 [Series] <i>f/k/a Goldman Sachs GMS Core Plus Fixed Income Portfolio</i>
The Children's Hospital of Philadelphia Foundation
The Duchossois Group Inc. Pension Trust
The Rotary Foundation
University of Kentucky
Ventura County Employees' Retirement Association
Vulcan Ventures, Inc.
Wexford Catalyst Investors LLC
Wexford Spectrum Investors LLC

**Appendix B**

*Fire and Police Employees' Retirement System of the City of Baltimore*  
*BBT Fund, L.P.*  
*SRI Fund, L.P.*  
*BBT Master Fund, L.P. (f/k/a Cap Fund, L.P.)*  
*BlackRock Corporate High Yield Fund, Inc.*  
*BlackRock Debt Strategies Fund, Inc.*  
*BlackRock Floating Rate Income Strategies Fund, Inc.*  
*BlackRock Funds II - High Yield Bond Portfolio*  
*BlackRock Global Investment Series: Income Strategies Portfolio*  
*BlackRock Fixed Income Portable Alpha (Offshore) Fund*  
*BlackRock Senior Income Series II*  
*BlackRock Senior Income Series IV*  
*R3 Capital Partners Master, L.P.*  
*The Galaxite Master Unit Trust*  
*BlackRock High Yield Bond Portfolio, a series of BlackRock Funds II*  
*High Yield Bond Portfolio*  
*Delaware Diversified Income Fund, a series of Delaware Group Adviser Funds*  
*Delaware Enhanced Global Dividend and Income Fund*  
*Delaware Extended Duration Bond Fund, a series of Delaware Group Income Funds*  
*Delaware Dividend Income Fund, a series of Delaware Group Equity Funds V*  
*Delaware Core Plus Bond Fund, a series of Delaware Group Government Fund*  
*Delaware Corporate Bond Fund, a series of Delaware Group Income Funds*  
*Delaware High-Yield Opportunities Fund, a series of Delaware Group Income Funds*  
*Delaware Investments Dividend and Income Fund, Inc.*  
*The High-Yield Bond Portfolio, a series of Delaware Pooled Trust*  
*Delaware VIP Diversified Income Series, a series of Delaware VIP Trust*  
*Delaware VIP High Yield Series, a series of Delaware VIP Trust*  
*The Core Plus Fixed Income Portfolio, a series of Delaware Pooled Trust*  
*Optimum Fixed Income Fund, a series of Optimum Fund Trust*  
*Drawbridge Special Opportunities Fund Ltd.*  
*Drawbridge Special Opportunities Fund LP*  
*Fortress Credit Investments I Ltd.*  
*Fortress Credit Investments II Ltd.*  
*Guggenheim Portfolio X, LLC*  
*The Lincoln National Life Insurance Company Separate Account 12*  
*The Lincoln National Life Insurance Company Separate Account 20*  
*LVIP Delaware Bond Fund, a series of Lincoln Variable Insurance Products Trust*  
*LVIP Delaware Foundation® Conservative Allocation Fund, a series of Lincoln Variable*  
*Insurance Products Trust (and the successor to LVIP Delaware Managed Fund as of June 15,*  
*2009).*  
*Golden Knight II CLO, Ltd.*  
*Lord Abbett Investment Trust – Lord Abbett High Yield Fund*  
*Lord Abbett Investment Trust – Lord Abbett Floating Rate Fund*  
*Teachers' Retirement System of Oklahoma*

*Houston Police Officers' Pension System*  
*Mason Capital, L.P.*  
*Mason Capital, Ltd.*  
*Neuberger Berman High Income Bond Fund*  
*Neuberger Berman High Yield Strategies Fund Inc.*  
*MacKay New York Life Insurance Company (Guaranteed Products)*  
*New York Life Insurance Company Guaranteed Products*  
*New York Life Insurance Company (Guaranteed Products)*  
*New York Life Insurance Company GP - Portable Alpha*  
*MacKay Shields Core Plus Alpha Fund Ltd.*  
*New York Life Insurance Company*  
*North Dakota State Investment Board*  
*Fairway Loan Funding Company*  
*PIMCO Income Strategy Fund*  
*PIMCO Income Strategy Fund II*  
*Red River HYPi, L.P.*  
*PIMCO Cayman Trust: PIMCO Cayman Bank Loan Fund*  
*StocksPLUS, L.P. Fund B*  
*PIMCO Funds: PIMCO Total Return Fund*  
*PIMCO Funds: Private Account Portfolio Series High Yield Portfolio*  
*PIMCO Funds: Global Investors Series plc, Global Investment Grade Credit Fund*  
*Portola CLO, Ltd.*  
*Mayport CLO, Ltd.*  
*Taconic Capital Partners 1.5 L.P.*  
*Taconic Market Dislocation Fund II L.P.*  
*Taconic Market Dislocation Master Fund II L.P.*  
*Taconic Opportunity Fund L.P.*  
*Virginia Retirement System*